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Letter dated 7 December 2009 from the Secretary-General addressed to the President of the Security Council

I have the honour to convey to you the attached letter, dated 1 December 2009, sent to me by the Director General of the International Atomic Energy Agency, Mr. Yukiya Amano (see annex).

I would be most appreciative if you would be so kind as to bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

* Reissued for technical reasons.

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Annex

Letter dated 1 December 2009 from the Director General of the International Atomic Energy Agency addressed to the President of the Security Council

[Original: English]

In accordance with paragraph 7 of resolution GOV/2009/82, adopted by the Board of Governors of the International Atomic Energy Agency (IAEA) at its meeting held on 27 November 2009, relating to the implementation of the safeguards agreement between the Islamic Republic of Iran (Iran) and IAEA in connection with the Treaty on the Non-Proliferation of Nuclear Weapons, I enclose herewith the resolution as requested by the Board of Governors (see enclosure).

I should be grateful if you would bring the present letter and its enclosure to the attention of all members of the Security Council.

(*Signed*) Yukiya **Amano**

Enclosure

Implementation of the NPT safeguards agreement and relevant provisions of Security Council resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008) in the Islamic Republic of Iran (GOV/2009/82)

Resolution adopted by the Board of Governors on 27 November 2009

The Board of Governors,

(a) *Recalling* the Resolutions adopted by the Board and the UNSC,

(b) *Commending* the Director General for his professional and impartial efforts to implement the Safeguards Agreement in Iran, to resolve outstanding safeguards issues in Iran and to verify the implementation by Iran of the suspension,

(c) *Stressing* the important role played by the IAEA in resolving the Iranian nuclear issue and *reaffirming* the Board's resolve to continue to work for a diplomatic solution to the Iranian nuclear issue,

(d) *Reaffirming* the inalienable rights of all the parties to the Non-Proliferation Treaty to develop research, production and use of nuclear energy for peaceful purposes in accordance with Article IV of the NPT,

(e) *Commending* the Director General for his proposal of an Agreement between the International Atomic Energy Agency and the Governments of the Republic of France, the Islamic Republic of Iran and the Russian Federation for Assistance in Securing Nuclear Fuel for a Research Reactor in Iran for the Supply of Nuclear Fuel to the Tehran Research Reactor; *appreciating* the intensive efforts of the Director General to achieve an agreement on his proposal,

(f) *Noting* with serious concern that Iran continues to defy the requirements and obligations contained in the relevant IAEA Board of Governors and United Nations Security Council resolutions,

(g) *Also noting* with serious concern that Iran has constructed an enrichment facility at Qom in breach of its obligation to suspend all enrichment related activities and that Iran's failure to notify the Agency of the new facility until September 2009 is inconsistent with its obligations under the Subsidiary Arrangements to its Safeguards Agreement,

(h) *Affirming* that Iran's failure to inform the Agency, in accordance with the provisions of the revised Code 3.1, of the decision to construct, or to authorize construction of, a new facility as soon as such a decision is taken, and to submit information as the design is developed, does not contribute to the building of confidence,

(i) *Underlining* that Iran's declaration of the new facility reduces the level of confidence in the absence of other nuclear facilities and gives rise to questions about whether there are any other nuclear facilities under construction in Iran which have not been declared to the Agency,

(j) *Noting* with serious concern that, contrary to the request of the Board of Governors and the requirements of the Security Council, Iran has neither implemented the Additional Protocol nor cooperated with the Agency in connection

with the remaining issues of concern, which need to be clarified to exclude the possibility of military dimensions to Iran's nuclear programme,

(k) *Emphasizing* the Director General's assertion that unless Iran implements the Additional Protocol and, through substantive dialogue, clarifies the outstanding issues to the satisfaction of the Agency, the Agency will not be in a position to provide credible assurance about the absence of undeclared nuclear material and activities in Iran, and

(l) *Noting* that the Director General has repeatedly declared that he is unable to verify that Iran's programme is for exclusively peaceful purposes,

1. *Urges* Iran to comply fully and without delay with its obligations under the above-mentioned resolutions of the Security Council, and to meet the requirements of the Board of Governors, including by suspending immediately construction at Qom;

2. *Urges* Iran to engage with the Agency on the resolution of all outstanding issues concerning Iran's nuclear programme and, to this end, to cooperate fully with the IAEA by providing such access and information that the Agency requests to resolve these issues;

3. *Urges* Iran to comply fully and without qualification with its safeguards obligations, to apply the modified Code 3.1 and implement and ratify promptly the Additional Protocol;

4. *Urges* Iran specifically to provide the Agency with the requested clarifications regarding the purpose of the enrichment plant at Qom and the chronology of its design and construction;

5. *Calls on* Iran to confirm, as requested by the Agency, that Iran has not taken a decision to construct, or authorize construction of, any other nuclear facility which has as yet not been declared to the Agency;

6. *Requests* the Director General to continue his efforts to implement the Safeguards Agreement in Iran, resolve the outstanding issues which give rise to concerns, and which need to be clarified to exclude the existence of possible military dimensions to Iran's nuclear programme, and to implement the relevant provisions of UNSC resolutions;

7. *Further requests* the Director General to report this resolution to the UNSC; and

8. *Decides* to remain seized of the matter.